interests in a single ownership the equitable interest was merged in the legal and the trust was thereby extinguished. *Cunningham v. Bright* (1917) 228 Mass. 385, 117 N. E. 909. See COMMENT, *supra*, p. 97.

WILLS—CONTESTABLE INTERESTS—EXPECTANCIES.—After being assigned all the "right, title, and interest" of the only heir of the testator, the plaintiff brought an action to contest the probate of the will. *Held*, that the plaintiff has not acquired such an interest as will give him the power to contest the will. *In re Vanden Bosch's Estate* (1919, Mich.) 173 N. W. 332.

Under the early common law it was well settled that a mere expectancy was not an assignable interest. *Skipper v. Stokes* (1868) 42 Ala. 255. The reason for this rule was that a conveyance presupposes a right in being. *Bayler v. Commonwealth* (1861) 40 Pa. St. 37. However equity treated all assignments of future interests as contracts to assign in the future, and when made in good faith enforced them. *Bridge v. Kedon* (1912) 163 Calif. 493, 126 Pac. 149. In the absence of fraud there is no reason why courts of law should not treat the liability of inheritance as an assignable interest and the assignee as a person in interest. The weight of authority seems to be with the principal case however. *Ransome v. Bearden* (1878) 50 Tex. 119.

WILLS—UNDUE INFLUENCE—BURDEN OF PROOF—CONFIDENTIAL RELATIONSHIP.—The testator's daughter contested the validity of his will, claiming undue influence by a legatee, a niece. Opportunity for the exercise of undue influence was proven but no evidence was offered from which it could be inferred that the legatee exercised a dominating influence over the testator. The trial judge directed a verdict for the proponent and the contestant appealed, contending that the proponent had the burden of disproving undue influence. *Held*, that the directed verdict was proper. *Downey v. Guilfoile* (1919, Conn.) 107 Atl. 562.

The rule which makes proof of undue influence by a direct mode of inference unnecessary does not relieve the contestant of a burden to establish by an indirect mode of inference a foundation of facts which convincingly lead to the conclusion of undue influence. This foundation is established when it has been shown that a stranger-beneficiary has occupied the relation of religious adviser, guardian, attorney, or physician toward the testator. In such cases, the rule of procedure places the burden, often erroneously termed "duty," upon the legatee of proving absence of undue influence. *Gager v. Mathewson* (1919, Conn.) 107 Atl. 1. For an exposition of the probative value of such a presumption when established and a comparison with the similar presumption as to sanity, see COMMENTS (1917) 26 YALE LAW JOURNAL, 777.